

IN THE RECORDS OF THE
UNITED STATES PATENT & TRADEMARK OFFICE

1) CUSTOMER NUMBER

Please associate this case with Hewlett-Packard customer number 022879.

2) DECLARATION AND POWER OF ATTORNEY

The executed Declaration and Power of Attorney found in the PAIR image file wrapper for this case is incorrect. As seen on the face of the paper, it is a Declaration and Power of Attorney for a different case, serial 09/919,207 — which is a companion case, filed on the same day as this present case.

Conversely furthermore, the Declaration and Power of Attorney for this present case appears in the file wrapper of the companion case. In other words, the two documents have somehow been swapped.

That erroneous exchange of documents must now be corrected. Furthermore the inventorships in the two cases were also swapped, since the PTO evidently followed the swapped executed-Declaration documents in establishing the inventorships; this error too must be corrected.

Therefore, please TRANSFER the misfiled Declaration and Power found in the wrapper for the present case to the file for the companion case 09/919,207.

Conversely, please TRANSFER the misfiled executed Declaration and Power found in the file for that '207 case to the file for this '260 case, so that the two documents are "swapped back" the way they should be.

3) EXCHANGED INVENTORSHIP

Also please correct your records as to the identification of the inventors, to match the Declaration and Power of Attorney documents after they have both been transferred into their respective correct files.

The inventors in this present application are actually Soler et al., generally as set forth in the unexecuted declaration first filed with this case. PLEASE NOTE that the official surname of the second-listed coinventor is Vinyas (not "Vinas" or "Viñas").

The inventors in the companion case are Subirada et al.

4) ADDITION OF COINVENTOR

Finally, it is necessary to further correct the inventorship by adding another coinventor to the present case. The person is (Mr.) Francesc Subirada.

(It may be noted that he is the first-named inventor in the above-mentioned companion case. This is simply a coincidence.)

Attached is a petition to correct inventorship in this present application. Please note that the attached petition incorporates an unexecuted Substitute Declaration & Power of Attorney by all the coinventors, and an unexecuted Consent by the assignee. It is intended to provide these documents executed, in due course.

reference areas, and Fig. 3 likewise shows nothing about reference areas.

The Action, however, attempts to fill in the deficiencies of Bhattacharjya by arguing that "Tanaka et al. discloses interpreting the sensor response to each said reference area." The Applicants respectfully traverse, for the following three reasons — any one of which considered alone would be sufficient to defeat the rejection:

(1) Misunderstandings — This assertion about Tanaka is simply incorrect. In fact Tanaka does not interpret or even measure sensor response in his reference areas.

Rather, Tanaka expressly teaches DELETING the entire portion of his sensor response that arises from reference areas. This is found in Tanaka at column 7, lines 37 through 41 (for the end regions). Tanaka also says that such areas are not used (see his column 13, lines 24 through 26).

Likewise all of the interpretations of Tanaka and Bhattacharjya which continue in the Official Action — with respect to each of the claims, taken up in turn — appear to be misunderstandings. Should the Examiner disagree, Applicants' undersigned representative would be glad to discuss by telephone any of these interpretations.

(2) Inapplicable subject matter — Even if Tanaka did, for some reason, measure or interpret sensor response in his reference areas, such teaching would not be properly combinable with Bhattacharjya. The reason is that Tanaka's scanning measurements are all made for a wholly different purpose than Bhattacharjya's operations.

More specifically, Tanaka's patent is about aligning the printheads to one another, so therefore all his data are specifically acquired and designed for the purpose of collecting positional information, not for any colorimetric purpose. Thus, even if someone for some obscure reason — not taught or

suggested in either of the references — had the idea to apply Tanaka's data in Bhattacharjya's system, it would not be at all clear how to make use of Tanaka's information in the Bhattacharjya system.

(3) Unavailable reference — By virtue of 35 USC § 103(c), Tanaka is not combinable with any other art to defeat Applicants' claims. Section 103(c) expressly provides:

"Subject matter . . . which qualifies as prior art only under . . . subsection (e) . . . of section 102 of this title, SHALL not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person"

Tanaka is indeed only section 102(e) art, since it issued on February 12, 2002, which was after the filing date (July 30, 2001) of the present application.

Furthermore Tanaka on its face is assigned to Hewlett-Packard Company, the assignee of the entire interest of the present application. HP's ownership arises through mesne ownership by Hewlett-Packard Española.

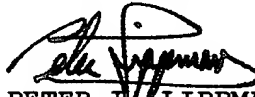
Please note the mandatory language of Section 103(c) set forth above, expressly forbidding citation of Tanaka against the present application. Accordingly Applicants respectfully ask that this rejection too be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's favorable reconsideration and allowance of all the claims now standing in this case. It is respectfully requested that, should there

appear any further obstacle to allowance of the claims herein,
the Examiner telephone the undersigned attorney to try to re-
solve the obstacle.

Respectfully submitted,



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